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**Subject:** Microsoft Settlement

The proposed settlement is inappropriate. Instead of being a punishment for illegal behavior, it appears to be a marketing plan designed by Microsoft.

The costs to Microsoft of distributing their software to schools is very small compared to the retail "value" of each package. Even using the full retail "value" of the donated software the total cost is very small compared to the economic damage of Microsoft's monopolistic business practices.

The proposed settlement does nothing to curb Microsoft's future monopoly, and in fact it actually promotes Microsoft's monopoly. By donating software to schools, Microsoft will be advertising in the schools. I believe Microsoft will be very happy with the proposed terms because they already spend billions of dollars on advertising. Apple has for years promoted their corporation by donating computers and software to schools. Now Microsoft will be required to donate computers and software to schools, even though such an action would probably be illegal without a court order. Such a donation could be an attempt to eliminate competition in the school market.

When considering the severity of the penalty we should remember the severity of the crimes committed.

Microsoft has for years bound large computer sellers to agreements which made it very difficult or costly to provide other operating system software on their computers. The terms of these agreements have required computer sellers to pay Microsoft for each computer sold, regardless of what operating system was installed on the system. In addition, Microsoft has prohibited installation of "dual boot" systems which would give people a choice of operating system. Imagine the absurdity of, for example, Del Monte receiving a payment for every can of corn sold, regardless of who actually made the can of corn.

Perhaps most egregious is what Microsoft did to DR-DOS, an early competitor. Microsoft deliberately sabotaged DR-DOS by checking to see if DR-DOS was running and then creating false and misleading error messages. This gave the impression that DR-DOS was somehow incompatible. In fact DR-DOS was a superior product. Microsoft committed industrial sabotage.

Finally Microsoft displayed an attitude of contempt for the judicial system during the trial. They introduced obviously doctored video tapes.

When a crime results in ill gotten gains, it is appropriate to make the penalty large enough to remove the economic gain from the crime and then to further increase the penalty to deter future criminal behavior and to compensate society for the damage caused by the crime. In this case the damage has been very large. Microsoft has positioned itself as the owner of the software roads of the 21st century. No society would tolerate a single company owning all the roads in a country, and we should not tolerate having a single company control all of desktop software. Therefore it seems more appropriate to require Microsoft to donate all the Windows operating system software, including any future releases, to the public domain. Microsoft should also be required to compensate owners of patented and copyrighted software contained in Windows. Microsoft has a large amount of cash available and they should be able to provide compensation without any difficulties. Microsoft should also be prohibited from introducing any competitors to their Windows operating system and office software.

Being wealthy is no excuse for committing crimes.

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